

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE

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October 27, 2006

The Honorable Dale Klein
Chairman
U. S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

Dear Chairman Klein:

In the immediate aftermath of the 9/11 terrorist attacks, the Nuclear Regulatory Commission (NRC) temporarily halted public access to its web-site and removed more than 1,000 documents from its publicly accessible database on the grounds that they contained sensitive security information. However, I understand that the NRC never removed the same sensitive information from the 86 local public document rooms (LPDRs) at public libraries near the nation's commercial nuclear power reactors. Furthermore, I understand that the NRC has declined to accept these records from institutions seeking to return these collections to the NRC in the past. The example that has come to my attention, and it may not be the only instance, occurred several months ago when the NRC declined to accept the collection of records maintained by the Greenfield Community College library in Greenfield, Massachusetts, that it maintained for the now decommissioned Yankee Rowe Nuclear Plant.

In addition, I understand that investigators from the NRC Inspector General's office recently visited 25 of these local public document rooms and were able to obtain access to sensitive security documents that had been pulled after 9/11 from the NRC's electronic Agencywide Documents Access and Management Systems database (ADAMS). Some of the records these investigators obtained included a 1982 report by Argonne National Laboratory titled, "Evaluation of Aircraft Crash Hazards Analyses for Nuclear Power Plants."

It is baffling to me that the NRC would consider this information so sensitive that it should be pulled from its on-line database, yet apparently the information was considered safe enough to be left in more than 80 public libraries scattered throughout the nation. In my mind, the information can't be both a security threat and, simultaneously, of no consequence; a policy that treats the same materials in two different ways is simply muddled.

I would point out that this situation is particularly troubling considering that the 9/11 Commission noted in its final report that both Khalid Sheikh Mohammed, the alleged mastermind of the 9/11 attacks, and Mohammed Atta, the plot's operational leader, considered targeting nuclear power plants. Finally, my understanding is that the sensitive documents

the NRC scrubbed from its ADAMS database *remain to this day* in the local public document rooms around the nation even subsequent to the situation being brought to the NRC's attention.

By this letter, I ask you to explain:

1. Was there a decision made by the NRC not to remove information from the local public document rooms, and, if so, who made that decision and why?
2. What is the current NRC policy regarding the removal or control of access to sensitive documents from the NRC's local public document rooms?
3. Has the NRC ever removed documents from its local public document rooms due to security concerns since September 11, 2001? Please provide specific details of any instances of removal that may have occurred and why the NRC believed this was necessary.
4. Does the NRC have any plans in place to remove sensitive documents removed from ADAMS from the local public document rooms? Please explain how the NRC intends to accomplish this and the scope of documents the NRC believes should be removed – if any.
5. If the NRC does not plan to remove sensitive documents currently available in local public document rooms, your evaluation of their sensitivity must have shifted since the time when they were removed from ADAMS. Please explain how that reevaluation occurred and when. Provide any documentation necessary to understand this shift in views. Please explain why the materials have not been returned to ADAMS if this has occurred.

I ask that you provide written responses to this request, and any supporting materials you believe relevant, by Friday, November 17, 2006. Your assistance in this matter is greatly appreciated. Please contact Douglas Pasternak or Dan Pearson (202-225-6375) of the Committee staff to arrange for delivery of your response.

Sincerely,



BART GORDON
Ranking Member